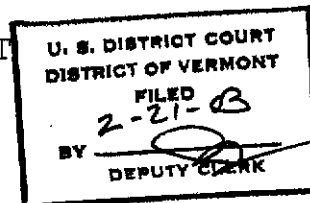


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UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT



Lisa M. LaRoche,
Plaintiff,

v.

:
:
:
: File No. 2:01-CV-321
:

David Solomon, individually,
and in his capacity as a
South Burlington Police
Officer,
Defendant.

:
:
:
:
:

Verdict Form

The verdict in this case will be determined by your answers to a series of questions set forth below. Make sure that you read the questions and notes carefully because they explain the order in which the questions should be answered and which questions may be skipped. Please read and answer the following questions.

Count I: Civil Rights Violation

Do you find that Lisa LaRoche has shown, by a preponderance of the evidence that:

1. Officer David Solomon used excessive force on her during a traffic stop on September 19, 2001.

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____ Yes

☒ No

a. If the answer to Question 1 is "Yes," proceed to Question 2.

b. If the answer to Question 1 is "No," enter a verdict for the Defendant as to Count I. Then proceed to Count II.

2. Officer Solomon's acts were a proximate cause of damage sustained by Lisa LaRoche.

____ Yes

____ No

a. If the answer to Question 2 is "Yes," proceed to Question 3.

b. If the answer to Question 2 is "No," enter a verdict for the Defendant as to Count I. Then proceed to Count II.

Affirmative Defense: Qualified Immunity

3. Has Officer Solomon shown, by a preponderance of the evidence, that he is entitled to qualified immunity as I have defined it in the jury instructions?

____ Yes

____ No

a. If the answer to Question 3 is "Yes," enter a

verdict for the Defendant as to Count I. Then proceed to Count II.

b. If the answer to Question 3 is "No," enter a verdict for the Plaintiff as to Count I. Then proceed to Question 10 to calculate the damages sustained by the Plaintiff under this Count. Then proceed to Count II.

Count II Battery

4. Do you find that Plaintiff has shown, by a preponderance of the evidence, that Officer David Solomon intentionally inflicted bodily injury upon Lisa LaRoche?

 Yes

 ✓ No

a. If your answer to Question 4 is "Yes," proceed to Question 5.

b. If your answer to Question 4 is "No," enter a verdict for the Defendant as to Count II. Then proceed to Count III.

Affirmative Defense: Qualified Immunity

5. Has Officer Solomon shown, by a preponderance of the evidence, that he is entitled to qualified immunity as I

have defined it in the jury instructions?

_____ Yes _____ No

a. If the answer to Question 5 is "Yes," enter a verdict for the Defendant as to Count II. Then proceed to Count III.

b. If the answer to Question 5 is "No," enter a verdict for the Plaintiff as to Count II. Then proceed to Question 10 to calculate the damages sustained by the Plaintiff under this Count. Then proceed to Count III.

Count III Intentional Infliction of Emotional Distress

Do you find that the Plaintiff has shown, by a preponderance of the evidence, that:

6. Officer David Solomon's conduct towards Lisa LaRoche was "extreme and outrageous."

_____ Yes ✓ No

a. If your answer to Question 6 is "Yes," proceed to Question 7.

b. If your answer to Question 6 is "No," enter a verdict for the Defendant as to Count III.

7. Officer David Solomon either acted intentionally, or

with reckless disregard for the probability that his actions would cause Lisa LaRoche to suffer extreme emotional distress.

_____ Yes _____ No

a. If your answer to Question 7 is "Yes," proceed to Question 8.

b. If your answer to Question 7 is "No," enter a verdict for the Defendant as to Count III.

8. Officer David Solomon's conduct was an actual or proximate cause of Lisa LaRoche's extreme emotional distress.

_____ Yes _____ No

a. If your answer to Question 8 is "Yes," proceed to Question 9.

b. If your answer to Question 8 is "No," enter a verdict for the Defendant as to Count III. Then proceed to Count IV.

Affirmative Defense: Qualified Immunity

9. Has Officer Solomon shown, by a preponderance of the evidence, that he is entitled to qualified immunity as I

have defined it in the jury instructions?

_____ Yes _____ No

a. If the answer to Question 9 is "Yes," enter a verdict for the Defendant as to Count III. Then proceed to Count IV.

b. If the answer to Question 9 is "No," enter a verdict for the Plaintiff as to Count III. Then proceed to Question 10 to calculate the damages sustained by the Plaintiff under this Count. Then proceed to Count IV.

Compensatory Damages

10. What is the amount, if any, Lisa LaRoche should be awarded to compensate her for the reasonable cost of her medical care?

\$ _____

11. What is the amount, if any, that Lisa LaRoche should be awarded to compensate her for physical pain and suffering?

\$ _____

12. What is the amount, if any, that Lisa LaRoche should be awarded to compensate her for emotional distress?

\$ _____

Count IV Punitive Damages

13. Do you find that Officer Solomon was motivated by evil motive or intent, or acted with malice or reckless indifference to Lisa LaRoche's rights?

_____ Yes _____ No

a. If your answer to Question 13 is "Yes," proceed to Question 14.

b. If your answer to Question 13 is "No," enter a verdict for the Defendant as to Count IV.

14. What is the amount, if any, that Lisa LaRoche should be awarded in punitive damages?

\$ _____

Total Compensatory Damages \$ _____

Total Punitive Damages \$ _____

Total Amount Awarded \$ _____

Please have the foreperson sign the form below.

Date: 2-21-03

Madelyn Fray
Foreperson